IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 289 OF 2007

SHRI GANESH SHAKAR RAO, MERCES, GOA. ... Petitioner

Versus

MS. PRATIBHA N. SHET AND 2 ORS., ... Respondents

Mr. M. S. Joshi, Advocate for the petitioner.
Mr. A. R. Kantak, Advocate for respondent No.1.
Mr. R. G. Ramani, Advocate for respondents No. 2 & 3.

Coram:- R. S. MOHITE, J.

Date:- 18th October, 2007

P.C.

This writ petition impugns an order dated 11.10.06, passed by the Civil Judge, Senior Division, Panaji allowing the review application, partly. It appears that the present petitioner claims to be a landlord in respect of the suit property, which is a shop. The present respondent No.1 is a person who also claims to be an owner of the suit shop. He is the original plaintiff who filed the suit against the occupants of the suit shop, seeking an injunction against carrying on of business by the present respondents No.2 and 3.

2. Initially, the injunction was refused, but later on by the impugned order, the refusal has been made subject to the condition that the occupants deposit an amount of Rs.9,000/- per month in the trial Court. The present petitioner who claims to be the original owner, has come to this Court with a case that present respondents No.2 and 3 are his tenants and he was receiving the rent amount directly from the occupants.

3. Be that as it may, the petitioner would only have right to make an

application to the trial Court for withdrawal of the amount deposited, if he so desires. I find no fault with the impugned order which has correctly put the occupants to terms.

4. In the circumstances, the writ petition is rejected, with liberty to the petitioner to apply to the trail Court for withdrawal of the amount deposited by the respondents no.2 and 3. If, such an application is made, the trial Court will consider such application on its own merits.

5. I am also informed that the original occupants have also filed a review application to review the impugned order. That review application will have to be decided on its own merits, without taking into account the observations made by this Court in this order. Writ Petition disposed off.

R. S. MOHITE, J.

ssm.